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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 PHOENIX TECHNOLOGIES, LTD., a  
11 Delaware corporation,

12 Plaintiff,

13 v.

14 DEVICEVM, Inc., a Delaware corporation,  
15 and BENEDICT CHONG, an individual,

16 Defendants.  
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Case No. 4:09-cv-04697-CW (EDL)

**~~PROPOSED~~ ORDER REGARDING  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER BASED ON CAL.  
CIV. PROC. CODE § 2019.210**

Complaint filed: July 17, 2009  
Trial Date: None Set

Defendants DeviceVM, Inc. and Benedict Chong's Motion for Protective Order Based on California Civil Procedure Code § 2019.210 (the "Motion for Protective Order") came on for hearing on February 16, 2010 at 9:00 a.m. before the Honorable Elizabeth D. Laporte, in the above-captioned Court. The Court having considered the papers submitted in support of and opposition to the motion, the record in this matter, oral argument by the parties, and for the reasons stated at the hearing on the Motion for Protective Order:

**IT IS HEREBY ORDERED:**

1. Phoenix shall file an expert declaration in support of its Opposition to Defendants' Motion for Protective Order by no later than February 26, 2010;
2. Defendants shall file any objection to Phoenix's expert declaration by no later than March 3, 2010; based solely on the credibility of the expert, not on the substance of the expert's opinion
3. After the Court has considered Phoenix's expert declaration and Defendants' objections, if any, to the expert declaration, in conjunction with the other papers submitted in support of and opposition to the motion, the record in this matter, and the parties' oral argument on February 16, 2010, the Court shall enter its order on the Motion for Protective Order; and
4. If the Motion for Protective Order is denied, Defendants shall begin a rolling production of documents in response to Phoenix's pending requests for the production of documents, subject to Defendants' objections and any agreements by the parties concerning the requests, by no later than 14 days after the Court enters its order denying the Motion for Protective Order.

Dated: February 18, 2010

By:

*Elizabeth D. Laporte*  
The Honorable Elizabeth D. Laporte  
United States Magistrate Judge

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